



**Wisconsin Department of Public  
Instruction**  
Division for Libraries, Technology, and  
Community Learning



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# **The Wisconsin E-book Summit**

## **—Final Findings and Recommendations—**

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## I. Introduction

Over the past several years—and especially within the past twelve months—the topic of e-books has assumed considerable interest in the library community and the broader consumer community too. In parallel to this interest, the trade book publishing world is undergoing considerable changes as millions of e-book readers have been sold and e-books themselves are assuming a greater percentage of book sales.<sup>1</sup> The library community must step forward to embrace this change and it must take actions to ensure that our patrons are able to access e-books as they have had access to printed books.

In May 2011 Amazon announced that its customers now buy more e-books for its Kindle than all print books -- hardcover and paperback.

In the context of collection development and acquisitions, libraries are seeing the last bastion of the print world change dramatically. In other areas of the collection this transition has been happening for more than a decade. For example, many libraries have reduced subscriptions to print periodicals because they have access to these materials online from a variety of sources<sup>2</sup> and the reference collection has undergone a similar transition. But a library's book collection is still being acquired and made available almost solely in print form. (This is especially true for popular fiction and non-fiction titles in public libraries.) Until recently popular print titles have been viewed by some as being immune to the changes in library services brought about by technology. Regardless of how many in the library community still hold this view, it is becoming increasingly untenable.

To address the e-content and e-book issue from the national perspective, the American Library Association has created two task forces. The ALA's Presidential Task Force on Equitable Access to Electronic Content (EQUACC) has been charged with several responsibilities including studying the challenges and potential solutions in libraries for improved access to electronic content. A related E-books Task Force has been created by ALA's Office for Information Technology Policy (OITP). This task force works closely with the larger EQUACC task force but it is more narrowly focused on e-books.<sup>3</sup> In addition to ALA's work, in June 2010 the Chief Officers of State Library Agencies (COSLA) issued a report titled the *COSLA eBook Feasibility Study for Public Libraries*.<sup>4</sup> This report documented key topics related to e-books and several of these topics subsequently served as a framework for discussion at the Wisconsin E-book Summit.

Librarians are increasingly concerned about how e-books will affect their audience and many believe a tipping point is not far off. Libraries need to anticipate this shift and become part of the e-book story.  
—COSLA E-book report.

Wisconsin has a successful e-book program that pools the resources of its members for the purchase of content. This program is coordinated by the Wisconsin Public Library Consortium (WPLC, [www.wplc.info](http://www.wplc.info)) which was founded in 2001. The WPLC provides access for library patrons to e-books and other e-content on a wide range of subjects, including popular fiction and non-fiction titles. All seventeen of the state's regional library systems are WPLC members. Currently, one of the most

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<sup>1</sup> See reference to the May 19, 2011, Amazon announcement at [http://articles.cnn.com/2011-05-19/tech/kindle.outsells.books\\_1\\_kindle-e-reader-kindle-device-e-books](http://articles.cnn.com/2011-05-19/tech/kindle.outsells.books_1_kindle-e-reader-kindle-device-e-books).

<sup>2</sup> A good example of this trend is BadgerLink (<http://www.badgerlink.net>), which is managed by the state library division and offers statewide access to thousands of periodicals. Most states offer a service similar to BadgerLink.

<sup>3</sup> For more information on these two task forces, see <http://www.equacc.ala.org/about/>.

<sup>4</sup> The study is available at [http://www.cosla.org/documents/COSLA2270\\_Report\\_Final1.pdf](http://www.cosla.org/documents/COSLA2270_Report_Final1.pdf).

popular services the WPLC provides is access to thousands of e-books available via a contract with OverDrive. And it also provides access to additional titles in the public domain. Residents can access most titles from home, work, school or from any library in the consortium.

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## II. The Summit Process

With all of the activity and conversations being held on the topic of e-content and more specifically e-books, the state's Division for Libraries, Technology, and Community Learning (DLTCL, the State Library Agency) believed that a one-day conference or "Summit" was needed to provide some consensus, direction and recommendations for moving forward. Another factor serving as impetus for the conference was a recommendation from the state's Library Services and Technology Act (LSTA) Advisory Committee that \$100,000 be allocated in 2011 LSTA funds to purchase access to e-books and that an additional \$300,000 be allocated for 2012. Thus, a key purpose of the Summit was to also provide some direction to the division on how to best apply the funds for the benefit of the Wisconsin library community.

In January 2011, Kurt Kiefer, DLTCL Administrator, appointed a Summit Planning Committee representative of the state's library community to assist division staff in several areas including: 1) developing the agenda for the E-book Summit, 2) articulating and defining the topics to be discussed at the Summit, and 3) recommending Summit participants. A Google site was also developed to facilitate the sharing of articles and papers related to e-book issues (<https://sites.google.com/site/ebooks4wi/homework>).

From an overall perspective, the planning committee and division staff developed the following key questions to be considered by participants in the weeks prior to the May 4 event.

- How can libraries satisfy the demand for e-books and other e-content?
- How can libraries fund e-books along with all the other formats they purchase?
- How can libraries get reasonable pricing and licensing terms from publishers and vendors?
- How can libraries offer e-books to non-residents and share e-books with other libraries?
- How can libraries avoid "haves" and "have-nots" in providing access to e-books?

From a more specific perspective, there were five topics that served as a basis for small group discussions at the Summit. As referenced in the Introduction, several of these topics, listed below, were identified in the COSLA E-book report released in June 2010.

- **Topic 1:** How to get reasonable pricing, use and licensing terms from publishers/vendors and how to ensure that copyright and Digital Rights Management (DRM) address shared use and the need to address standards, including accessibility.
- **Topic 2:** How to expand access to e-books through larger collections and regional, state and national buying pools, while delivering e-book use statistics to help library stakeholders see the value of collaboration.
- **Topic 3:** How to find cost effective ways for libraries to lend e-book devices or to let patrons try them out.

- **Topic 4:** How to provide e-books to all system residents on the same basis that they are provided to local residents; or should this statutory requirement be modified in some way?
- **Topic 5:** How to improve the e-book “experience” for patrons including discovering what e-books the library offers, how to get library provided e-books on patron e-book devices, how to provide technical support, training and public relations.

Each participant at the summit participated in two of the topical discussion groups. The groups discussed issues related to their topic and made recommendations to address those issues. Near the end of the day everyone participated in a large group exercise to prioritize the recommendations. Each of the five topics and their recommendations, in priority order, are provided on the following pages.

### III. Recommendations on the Discussion Topics

Note: For some of the recommendations listed below the language and intent is clear and concise. However, in instances where the recommendation lacks clarity or the underlying reason for the recommendation is unclear, further explanatory information is provided.

**Topic 1: How to get reasonable pricing, use and licensing terms from publishers/vendors and how to ensure that copyright and Digital Rights Management (DRM) address shared use and the need to address standards, including accessibility.**

#### *Topic 1 Priority Recommendations*

1. Be much more assertive in combining the purchasing power of all types of libraries.
2. Have a national conference (meeting of minds) with publishers and providers to work out shared agreements, resolve disputes, etc.
3. Change copyright law to allow the first sale doctrine to apply to e-books as it applies to print titles.
4. Encourage libraries to not sign confidentiality (exclusive use) agreements.
5. Develop (realistic) model licensing at the state level.
6. Develop good data standards on e-book use.

#### *Information on Topic 1 Recommendations*

Much of the discussion on this topic centered on the need for the library community to act in a more coordinated manner and present a more unified position when dealing with the publishing and vendor communities. There was also agreement that libraries should not sign exclusive use agreements that often have not just restrictions on use, but other restrictions such as not disclosing pricing information. Concerns were expressed that in the current e-book market the library community does not have much choice or leverage. Parallel to this was the desire to combine the purchasing power of all types of libraries—with the assumption that this will

I feel that libraries are caught in the middle. Our patrons want more e-books but providers and publishers are not always responsive to our needs. It's very frustrating.  
—E-book Summit participant.

increase overall library leverage with publishers and vendors. There were concerns stated that most of the current publisher control over e-book content undermines the basic library lending model for print materials. For example, e-book loaning models and licensing assume a single library loaning an e-book to a patron served by that particular library. This model does not comport with loaning by a regional library system where the combined collections of the system members are available to all patrons from all system member libraries. At the same time, there were concerns (and frustrations) expressed that libraries cannot simply walk away from publishers or vendors that have narrowly defined lending models because doing so will be a disservice to patrons. Unfortunately, adversarial relationships often exist between the library community and publishers/vendors and ways must be found to build some mutual understanding on the needs of all parties. There was consensus on the need to look at alternative pricing and licensing models and to work directly with authors who self-publish their works. (For more specific recommendations and discussion on funding, see Topic #2 below.) Furthermore, there was a need to present vendors with a realistic statewide licensing model. On the issue of accessibility, it was noted that there was a lack of awareness by both publishers and librarians on how important this is and that the lack of standards inhibits accessibility.

Some of the recommendations, like holding a national conference or changes to copyright, can only be realistically addressed at the national level. Both of these recommendations have already been forwarded to the ALA's Office for Information Technology Policy's E-book Task Force.

**Topic 2: How to expand access to e-books through larger collections and regional, state and national buying pools, while delivering e-book use statistics to help library stakeholders see the value of collaboration.**

***Topic 2 Priority Recommendations***

1. The state (e.g., DLTCL) should mandate a basic level of local library support for e-books.
2. A statewide committee of all parties should be formed to develop an RFP for statewide e-book services by July 1.
3. DLTCL should develop an RFP for allocating LSTA funds for e-book content.
4. Each system should determine a share of funding to be used for establishing a statewide e-book buying pool.
5. Need to educate decision-makers on the importance of e-books and to support their purchase.

***Information on Topic 2 Recommendations***

It was recognized that there is strength in numbers and libraries need to pool their money for e-content in part because demand for such content is outpacing local library budgets. LSTA funding—while very helpful—is not adequate to meet statewide needs and thus is not a long-term solution. Therefore, there was a strong consensus (and first priority) that DLTCL develop guidelines or a suggested targeted amount that local libraries spend on e-content. For example, each library could contribute a small percentage of its acquisitions budget or other metrics could be used, such as current e-book usage, population served, and for schools—the number of students. Some participants expressed concerns that such a mandate would impinge on local control. From the library system perspective it was suggested that DLTCL set an amount for each library system to contribute to an e-book purchasing pool

and then allow each system the flexibility on how to reach that amount. For example, pay for all or part with system funds, require contributions from member libraries, etc. To move this forward it was suggested that a committee be formed to develop a statewide RFP for e-books with the intent to maximize library leverage and maximize patron benefits. Related to this it was recommended that DLTCL develop an RFP on how to spend its LSTA funds that have been allocated to acquire e-content. (As reported above, the division has allocated \$100,000 in 2011 in LSTA for e-content and anticipates allocating \$300,000 in 2012, although there is not yet a 2012 federal appropriation.) Work on these first three recommendations is already underway,<sup>5</sup> although no decision is likely soon on what type of procurement process to undertake. A statewide e-book buying pool will likely focus on purchasing popular content that has wide appeal.

Several states have contracts with OverDrive and as mentioned in the Introduction, the contract in Wisconsin is coordinated through the Wisconsin Public Library Consortium. It was noted that while OverDrive presently has the largest market share, other vendors are attempting to break into the market.<sup>6</sup> In addition, to increase the availability of e-books more work must be done not just with commercial providers but on ensuring better access to free e-books (e.g., public domain) and on promoting content by local and regional authors.

There was agreement that to help increase and sustain funding and support for e-content that there is a need to educate decision makers at all levels including library management, library boards, and other key stakeholders. Decision makers must be made aware of the increasing importance of e-content and they must also be made aware that there are advantages to collaboration and cooperative e-content purchasing and lending models.

We need to get our board to realize that e-books represent a fundamental change in library services and they need to fully support this change.  
—E-book Summit participant.

### **Topic 3: How to find cost effective ways for libraries to lend e-book devices or to let people try them out.**

#### ***Topic 3 Priority Recommendations***

1. Develop a statewide contract or a cooperative purchasing agreement for e-book devices.
2. Address standardization across all platforms and formats.

#### ***Information on Topic 3 Recommendations***

There were only two major recommendations that came out of the focus groups on this topic. The primary reason for this low number is that many Summit participants assumed that most patrons (and

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<sup>5</sup> Some actions have already been undertaken per this recommendation. On May 10 the WPLC established a Digital Media Buying Committee to develop recommendations on the funding of e-content. The committee's report was accepted by the WPLC at its July 7 meeting. (See <http://www.wplc.info/wp-content/uploads/2011/06/Digital-Media-final-report.pdf>.)

<sup>6</sup> Just after the Summit 3M announced its e-book program. (See [http://www.libraryjournal.com/lj/home/890729-264/3m\\_to\\_launch\\_library\\_ebook.html.csp](http://www.libraryjournal.com/lj/home/890729-264/3m_to_launch_library_ebook.html.csp).)

students in K-20) will eventually own their own e-book reading device and thus there will be a limited need for libraries to make substantial investments in actually purchasing e-book readers. Not allocating scarce resources to the readers will potentially allow more funding to be available for content. Yet there was the realization that most libraries will likely offer at least a limited number of readers for patrons to use in the library and to checkout. Considering the likelihood of this, it might be helpful to have a statewide contract or a cooperative purchasing agreement with the assumption that such a contract or agreement will offer e-book readers at a low cost. (A statewide contract would not necessarily be undertaken as an official state Department of Administration procurement process.)

Another frustration often expressed during the discussions on this topic was the incompatibility among e-book readers and e-book file formats. Library staff, patrons and the public at-large find all the differences and nuances on what can and cannot be downloaded onto a particular reader confusing and frustrating. The incompatibilities further complicate library purchasing decisions and place additional pressure on staff who provide technical support and assistance to patrons. There was wide consensus that only consistent pressure from the library community—or more importantly the mass consumer market—will be successful in addressing e-book device compatibility issues.

**Topic 4: How to provide e-books to all system residents on the same basis that they are provided to local residents; or should this statutory requirement be modified in some way?**

**Note:** The following paragraph provides some background information on this issue.

In 1971 the Wisconsin legislature passed legislation enabling the creation and funding of regional public library systems.<sup>7</sup> Included in the statutory language is a requirement that all libraries in a given system area share their resources on the same terms and conditions as such resources are shared with the library's own patrons. This "same services" requirement was (and still is) designed to help ensure that patrons have access to materials not available in their local library. To facilitate the required intrasystem resource sharing, ninety-three per cent of the state's public libraries are in regional, shared Integrated Library Systems (ILS) which are managed by the library systems.<sup>8</sup> The state library division has also facilitated resource sharing statewide by sponsoring programs like WISCAT, and having interloan contracts with Milwaukee Public Library and Wisconsin Library Services (WiLS). Through these efforts and also the use of OCLC for interloan, Wisconsin has been #1 among all fifty states in resource sharing for more than ten consecutive years.

***Topic 4 Priority Recommendations***

1. Eliminate the current statutory requirement that library systems have a contract with a "resource library." (This mandate is from 1971. Changes in library services—fostered by technology—have raised questions on the continued need for this requirement.)

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<sup>7</sup> There are seventeen regional library systems in the state and all 385 of Wisconsin's public libraries are a member of a regional system. (See <http://www.dpi.wi.gov/pld/wisysdir.html>.)

<sup>8</sup> From 1998-2007 DLTCL allocated over \$1.6 million in LSTA funds to encourage libraries to join shared ILSs. Ninety-five percent of interlibrary loans take place within the shared ILS.

2. The statutory “same service” requirement is the ideal; but costs and services should be equitable. There should be exemptions or tiers of service.
3. From a broader perspective, all system requirements/services should be reviewed by systems, member libraries and DLTCL.
4. Work with OverDrive to acquire raw data on libraries’ use of e-books to enable better collection development.

#### ***Information on Topic 4 Recommendations***

There was general agreement among focus group participants that the “same services” requirement has been very successful in equalizing library services and it is an “ideal” model for resource sharing. Yet at the same time this model is based primarily on the sharing of tangible items, like physical books and A-V titles. How this model—and its underpinning statutory language—fits in the world of e-books and e-content was the subject of much discussion. For example, it was noted that there is already a statutory exception that electronic databases do not have to be shared system-wide and some libraries have rental collections that are not loaned outside the library. In addition, several libraries are now using the OverDrive Advantage program. This program allows them to purchase additional access to titles available under the state WPLC contract but then limit access to just the library’s own patrons. Some participants voiced the opinion that the same services requirement should not be an impediment if a library has the funding to provide e-books to its patrons. This was especially of concern if the state buying pool does not include what the local library needs. Similar to several conversations on the other topics, there was consensus on the need to allocate more funding for e-content and the need to create regional and state funding pools. As shown in the above priorities, one way to do this is to review all library system mandates, including the mandate that systems have contracts with resource libraries. The assumption is that a review of system mandates may result in eliminating some of them thus allowing library systems to reallocate some of their funding for e-content.

It was also recognized that there is a need to do a better job educating library boards and related decision makers and stakeholders that more funding is needed to purchase e-content. This is part of the rationale for the recommendation that there is a need to work with OverDrive to provide more granular data on individual library use of e-books to help justify requests for more funding.

**Topic 5: How to improve the e-book “experience” for patrons including discovering what e-books the library offers, how to get library provided e-books on patron e-book devices, how to provide technical support, training and public relations.**

#### ***Topic 5 Priority Recommendations***

1. Procure or implement a statewide content server or statewide Integrated Library System (ILS).
2. Coordinate lobbying/marketing for single (neutral) content platform.
3. Need to market beyond libraries (e.g., in stores selling e-readers) and local libraries need to work with local retailers.
4. Need to work with publishers/vendors to provide better cataloging records.



### ***Information on Topic 5 Recommendations***

There was a general consensus that a statewide content server or a statewide Integrated Library System could offer a more efficient way to make e-content accessible and make it easier for patrons to find such content.<sup>9</sup> There was a realization that much more work has to be done from a marketing perspective so that when the public thinks or sees references to e-books that they make an association with their local library. Examples of this included the library working with local retailers (e.g., WalMart, Target, Best Buy) that are selling e-book readers to ensure that their customers know they can access e-books from their local library. There were also conversations on the need to make the user interfaces and e-book download procedures developed by publishers and vendors easier to navigate and more intuitive. (Amazon was often mentioned as a good model.)

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## **IV. Conclusion and Post Summit Actions**

In the coming weeks and months the Division for Libraries, Technology, and Community Learning will work closely with the E-book Summit Committee, participants in the Summit and the state's library community to review all of the recommendations. The overall goal is to find ways to help ensure that the state's library community can provide the broadest possible access to e-books in the most economical manner possible. Wisconsin has been a leader nationwide in ensuring that our residents have access to print materials. It is the intent of the division to also ensure—to the greatest extent possible—that our state's residents have access to e-content in the same manner that they have access to print materials.

The library community will be kept informed as we continue to move forward on this initiative. Updates will be provided via the Summit's website at <http://dpi.wi.gov/pld/ebooksummit.html>. In addition, comments are always welcome and can be made on the Google site at <https://sites.google.com/site/ebooks4wi/general-public-comments> or sent directly to Bob Bocher, ([robert.bocher@dpi.wi.gov](mailto:robert.bocher@dpi.wi.gov), 608-266-2127).

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<sup>9</sup> The division undertook a study of shared integrated library systems in 2006. (See <http://dpi.wi.gov/pld/sharedils.html>.) Also, on the same day as the Summit (May 4) the National Information Standards Organization (NISO) announced creation of an E-book Special Interest Group (SIG). According to NISO, the E-book SIG will explore industry best practices and standards related to the creation, distribution, discovery, delivery, and preservation of digital book content. (See [http://www.niso.org/news/pr/view?item\\_key=c953a47554ac05527d3fa89b979bf40554073455](http://www.niso.org/news/pr/view?item_key=c953a47554ac05527d3fa89b979bf40554073455).)